

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
Authority/References	Subject	
KRS 196.035, 346.180, 431.200, 439.315, 439.348, 439.470, 439.480 (5&6), 439.563, 533.020, 533.030 534.040 P&P ACA 3D-25, 2F-01, 2F-02	<p align="center"><b>GUIDELINES FOR MONITORING FINANCIAL OBLIGATIONS</b></p>	

## I. DEFINITIONS

“Payment schedule” means all payments established over a set period of time to achieve total payment of a pending financial obligation.

“Releasing authority” means the court, if the offender is placed on probation or pretrial diversion, or the parole board if the offender is placed on parole.

“Restitution” means any payment ordered by the court or parole board for loss, damage, or injury caused to a victim by the offender.

## II. POLICY and PROCEDURES

The Probation and Parole officer shall monitor and keep a record of all payments including any fine or court cost ordered by the releasing authority.

### A. Notification of Monetary Conditions Ordered by Releasing Authority

The offender’s financial status and ability to pay shall be assessed and included in the Presentence Investigation. When the officer is notified of monetary conditions of supervision ordered by the releasing authority, the officer shall advise the offender of the general and special conditions and include these in the regular conditions of supervision. The offender shall receive a copy of the conditions of supervision. CPP 27-12-04 (Conditions of Supervision Document and Request for Modification) sets forth the procedural steps for the conditions of supervision and distribution. The payment schedule shall be explained to the offender as ordered by the releasing authority.

### B. Monitoring Payments Ordered by the Releasing Authority and Fees

Payments shall be made as ordered by the releasing authority. The officer shall monitor the payments by:

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1. Keeping a record of all fees or restitution payments. The officer shall enter payment information into the offender management system.
2. Maintaining a copy of the receipt unless the court provides other means of verification.
3. Recording all financial payments made by the offender into the chronological narrative of the offender management system within three (3) working days of receipt.

C. Offender's Responsibility

1. The offender shall provide to the Probation and Parole officer a receipt of payments made at the clerk's office.
2. The officer shall not accept cash or check payments from the offender for drug testing fees, restitution to a victim, or restitution to the Crime Victim Compensation Board. Payments for restitution and Crime Victim Compensation Board shall be made in the form of a money order and shall be made payable to the appropriate recipient. (3D-25)

D. Modifications

Only the releasing authority has authority to make any adjustment in the original order. The officer may make recommendations for modification of monitoring conditions by following procedures outlined in CPP 27-12-04 (Conditions of Supervision Document and Request for Modification). A request for a waiver or an adjustment may be utilized in requesting a modification.

E. Violations

1. The officer shall advise the releasing authority regarding non-payment of any financial conditions of supervision through an approved supervision report when notification is required. See notification requirement for an offender who is more than three (3) months in arrears on restitution in CPP 27-15-03 (Graduated Sanctions and Discretionary Detention) .
2. Parole compliance credit pursuant to KRS 439.250 shall be denied if the offender misses a scheduled payment.
3. See CPP 27-19-01 (Preliminary Revocation Hearing) if revocation proceedings are required.

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F. Transfers

The transfer of an offender to another jurisdiction shall not relieve the offender's obligation for payment of any financial obligation ordered by the releasing authority. The officer in the jurisdiction of transfer shall be made aware of the financial conditions of release at the time of transfer. Payment shall continue to be made as outlined in this policy.

G. Restitution

1. Money orders for restitution ordered to be paid directly to the victim shall be made payable to the victim. The offender shall give the money order to the Probation and Parole officer to document payment and send to the victim. Money orders for restitution ordered to be paid to the Kentucky Victims Compensation Board shall be made payable to the Kentucky Victims Compensation Fund. The offender shall give the money order to the Probation and Parole officer for documentation of payment and the officer shall send it to the Kentucky Victims Compensation Board. (2F-02)
2. An offender shall not be released from parole supervision until all restitution ordered by the parole board is paid in full. Upon verification that restitution is satisfied, the officer shall proceed pursuant to CPP 27-24-01 (Releasing an Offender from Active Supervision). (2F-01)
3. For probation offenders, if restitution is not paid in full, thirty (30) days prior to expiration of sentence, the Officer shall submit an approved violation report to advise the Court of the restitution status. The Court shall determine extension of probation or revocation.

H. Distribution of Drug Testing Fees

1. Unless otherwise ordered by the releasing authority, offenders shall be assessed a fee to cover the costs associated with drug and alcohol testing. An offender on supervision shall pay a \$10 monthly drug testing fee.
2. All payments for drug testing fees shall be made payable as designated by the Director of Probation and Parole. The officer shall provide instruction to the offender on drug testing fee payment.

I. The Probation and Parole officer shall:

1. Encourage the offender to be responsible in handling all financial obligations and the importance of establishing a good credit standing,

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2. Notify the offender when a creditor has contacted the Probation and Parole office, and inform the offender that the creditor has an option of pursuing legal action if the financial obligation is not met,
  3. Give recommendations or refer the offender for financial counseling, and
  4. Prepare an approved supervision report to advise the releasing authority of potential problems or new charges, if the offender fails to meet the outstanding financial obligation reported (Example: a returned personal check).
- J. The Division of Probation and Parole shall not collect debts that are not ordered by the releasing authority.